

Message Text

LIMITED OFFICIAL USE

PAGE 01 BANGKO 17242 311137Z

13

ACTION EB-06

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-05 NSAE-00 RSC-01 FAA-00 L-01 H-01 SS-15

NSC-05 SSO-00 NSCE-00 INRE-00 /043 W

----- 051574

O 311045Z OCT 74

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC NIACT IMMEDIATE 7986

LIMITED OFFICIAL USE BANGKOK 17242

E.O. 11652: N/A

TAGS: EAIR, TH

SUBJ: CIVAIR: U.S.-THAI NEGOTIATIONS

REF: STATE 238963

1. IN THURSDAY MEETING USDEL POINTED OUT THAT DISCUSSION ON GENERAL VS. GEOGRAPHICAL ROUTE DESCRIPTIONS HAD REVEALED THAT MAJOR SUBSTANTIVE ISSUE INVOLVED WAS TOKYO-GUAM. USDEL HAD DISCUSSED MATTER WITH WASHINGTON AND WAS NOW PREPARED, AS A MAJOR CONCESSION, TO PROPOSE A SOLUTION FOR THAT PROBLEM. USDEL EMPHASIZED HOWEVER THAT THIS AND OTHER U.S. OFFERS WERE CONTINGENT ON ELIMINATION OF RESTRICTIONS ON U.S. CARRIERS. USDEL THEN PROPOSED THAT THERE WOULD BE AN UNDERSTANDING BETWEEN THE PARTIES THAT IMPLEMENTATION OF RIGHTS ON TOKYO-GUAM SECTOR WOULD BE SUBJECT TO PRIOR CONSULTATIONS BETWEEN THE TWO PARTIES. IF THIS WERE ACCEPTABLE U.S. COULD ACCEPT CONCEPT OF GENERAL ROUTE DESCRIPTION CONTAINED IN THAI DOCUMENTS 1 AND 3. HOWEVER, USDEL NOTED THAT THAI DOCUMENT 3 CONTAINED BEYOND NEW YORK RIGHTS WHICH WAS ENTIRELY NEW ELEMENT AND WHICH POSED GREAT DIFFICULTY FOR U.S.

2. THAIDEL ASKED IF USDEL COULD ACCEPT THAI DOCUMENT 1. USDEL SAID ONLY PROBLEM WOULD BE QUESTION OF BEYONDS ON LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BANGKO 17242 311137Z

ROUTES 2 AND 4 WHICH HAD ALREADY BEEN DISCUSSED. THAIDEL

SAID U.S. PROBLEM APPEARED TO BE QUESTION OF 5TH FREEDOM RIGHTS IN CERTAIN SECTORS SUCH AS GUAM, TAHITI AND MEXICO AND IF THIS WERE THE CASE WHY COULD THAT NOT BE COVERED SIMPLY IN MEMCON. USDEL REPLIED THIS WAS NEW IDEA AND WOULD HAVE TO BE CHECKED WITH WASHINGTON BUT IT MIGHT HAVE PROMISE. THAIDEL ASKED IF USDEL COULD DRAFT LANGUAGE WHICH WOULD COVER THIS. USDEL AGREED AND INTENDS IN TOMORROW'S MEETING TO PROPOSE MEMCON LANGUAGE ALONG FOLLOWING LINE:

"THE TWO DELEGATIONS REVIEWED THE QUESTION OF THE RIGHTS PROVIDED FOR THE THAI CARRIERS UNDER THE THAI ROUTE SCHEDULE. THE UNITED STATES DELEGATION EXPRESSED ITS UNDERSTANDING THAT THE THAI CARRIERS DID NOT INTEND TO EXERCISE 5TH FREEDOM RIGHTS INCLUDING THE CARRIAGE OF STOPOVER OR CONNECTING TRAFFIC ON THE SECTORS TOKYO-GUAM AND PAGO PAGO-TAHITI, OR BETWEEN U.S. POINTS AND POINTS IN THE WESTERN HEMISPHERE OTHER THAN CANADA ON ROUTE 2. THE THAI DELEGATION STATED THAT THIS WAS ALSO ITS UNDERSTANDING. THE TWO DELEGATION ALSO UNDERSTOOD THAT ANY FLIGHTS OPERATED BY THAI CARRIERS ON ROUTE 2 WHICH SERVES TOKYO AND LOS ANGELES OR SAN FRANCISCO WOULD ALSO SERVE HONOLULU."

3. USDEL THEN REVERTED TO QUESTION OF THAI RESTRICTIONS EMPHASIZING AGAIN THAT U.S. CONCESSIONS WERE CONTINGENT ON SATISFACTORY RESOLUTION OF THIS MATTER. THAIDEL SAID ITS POLICY PROVIDED FOR RESTRICTIONS IN COMPETITIVE 5TH FREEDOM MARKETS AND IT DID NOT INTEND TO CHANGE ITS APPROACH. THAIDEL QUOTED AGREEMENT LANGUAGE ON SECONDARY TRAFFIC TO SUPPORT THIS ARGUMENT. USDEL POINTED OUT THAT AGREEMENT CONTAINED GUIDING PRINCIPLES BUT CONTEMPLATED ONLY EX POST FACTO REVIEW AS REGULATORY DEVICE. THAIDEL ALSO QUOTED FROM TYPICAL THAI BILATERAL THAT PROHIBITS 5TH FREEDOM CARRIAGE UNLESS CARRIER AGREEMENT REALIZED OR UNDERSTANDING WORKED OUT BETWEEN AERONAUTICAL AUTHORITIES. USDEL POINTED OUT THAT SUCH PROVISION NOT ACCEPTABLE IN U.S. BILATERALS BUT EVEN THIS PROVISION CONTEMPLATED BILATERAL RATHER THAN UNILATERAL RESTRICTIONS. IN ANY EVENT CURRENT U.S.-THAI AGREEMENT DID NOT PROVIDE FOR UNILATERAL REGULATION AND THIS WAS ISSUE AT POINT. THAIDEL HEATEDLY DEFENDED RTG APPROACH STATING THAT USG LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BANGKO 17242 311137Z

COULD TERMINATE AGREEMENT IF IT FELT AGGRIEVED. USDEL REPLIED THAT BETWEEN FRIENDLY GOVTS THE BEST WAY WAS TO WORK OUT DIFFICULTIES RATHER THAN RESORT TO SUCH PREEMPTIVE AND PROVOCATIVE ACTIONS. SINCE THERE APPEARED TO BE A DIFFERENCE IN INTERPRETATION PERHAPS BEST SOLUTION WOULD BE TO REFER THE MATTER TO ARBITRATION. THAIDEL REJECTED THIS APPROACH ARGUING THAT MATTER DID NOT INVOLVE THIRD PARTIES. USDEL PERSISTED ON THEME THAT IF REGULATION

REQUIRED IT SHOULD BE DONE BILATERALLY IF AT ALL. THAIDEL
WOULD NOT BUDGE AND DISCUSSION ON RESTRICTIONS ENDED
INCONVLUSIVELY.

4. COMMENT.

A. WHILE US PROPOSAL ON ROUTE LIMITATIONS DOES NOT CONTAIN
ALL POINTS COVERED PARA 2 REFTEL, USDEL DID NOT FEEL AT
THIS TIME IT WOULD BE WISE TO GO BACK AND CONDITION EARLIER
U.S. OFFERS WHICH IMPLICITLY INCLUDED HONG KONG-GUAM,
MANILA-GUAM, PAGO-AUSTRALIA AND PAGO-N.Z. THIS MIGHT BE
DONE LATER BUT AT THIS SENSITIVE JUNCTURE THERE IS DANGER
IT COULD KILL ANY PROSPECT OF DEAL. WASHINGTON COMMENT
REQUESTED ON PROPOSED 5TH FREEDOM RESTRICTIONS IN GUAM-
TOKYO, AND WESTERN HEMISPHERE ON ROUTE 2 AND TAHITI ON
ROUTE 4.

B. DISCUSSIONS ON THAI RESTRICTIONS CLEARLY UNSATISFACTORY.
USDEL DOUBTS THAT THERE IS ANY POSSIBILITY OF ELIMINATING
RESTRICTIONS COMPLETELY. EVEN PRE-SCREENING DEAL UNLIKELY.
MOST WE CAN REALISTICALLY HOPE FOR IS SOME BILATERAL
UNDERSTANDING WHICH RECOGNIZES CERTAIN LIMITATIONS ON U.S.
CARRIERS. IF WASHINGTON BELIEVES CLEAN CUT ELIMINATION
OF THAI RESTRICTIONS IS SINA QUA NON USDEL SHOULD KNOW
NOW BEFORE MAKING ANY FURTHER OUTE OFFERS. AS PRACTICAL
MATTER ONLY CURRENT RESTRICTIONS WHICH REALLY BITE ARE ALL
CARGO LIMITATIONS AND REFUSAL TO PERMIT CONTINUATION OF
PAN AM'S THREE COMBINATION SERVICES. REQUEST ADVICE
ON THIS POINT URGENTLY.
KINTNER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, AIR ROUTES, AVIATION AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BANGKO17242
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740311-0382
From: BANGKOK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974104/aaaaaded.tel
Line Count: 145
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: STATE 238963
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 JUL 2002 by kelleyw0>; APPROVED <11 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: U.S.-THAI NEGOTIATIONS
TAGS: EAIR, TH, US
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005